

d) acquiring customer information before or during the transaction;

and

*A50*  
e) using the acquired customer information to provide direct marketing to the customer before, during or after the transaction, wherein the direct marketing relates to the recipient's visit to the retail outlet to pick up the at least one package.--

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REMARKS

Enclosed with this Amendment is a Petition for Extension of Time extending the time in which to file a response to the outstanding Office Action by one month until April 5, 2003. April 5 is a Saturday and, therefore, the first business day after this date is Monday, April 7, 2003.

Claims 1-11, 13-19 and 21-24 remain in this application. Claim 1 has been amended to include, among other things, the limitation of cancelled claim 12. Claim 13 has been amended to adjust its dependency in light of cancelled claim 12. Claim 17 has been amended to be dependent upon claim 1. Claim 19 has been amended to avoid redundancy in light of amended claim 1. New independent claims 25 and 26 have been added. No new subject matter is believed to have been added by this Amendment.

In Section No. 2 of the Office Action, the Examiner rejects claims 1-24 under 35 U.S.C. 103(a) as being obvious from the teaching of United States Patent No. 6,085,170 to Tsukuda (the Tsukuda patent), in view of the teaching of a Chicago Sun Times article and, furthermore, based upon the Examiner's subsequent comments, on the details provided at the PaxZone web site (PaxZone.com).

Briefly stated, the subject invention is directed to a creating direct marketing opportunities by use of a package storage and retrieval system comprising the steps of providing within each of a plurality of retail outlets, a receptacle with a compartment capable of receiving, retaining and releasing at least one package deposited by a sender for pickup by a recipient. This is the beginning of a transaction. The sender is provided access to the receptacle to deposit a preordered package within the receptacle for a recipient. Furthermore, the recipient is provided with access to the receptacle to retrieve the package, thereby completing a transaction and freeing the compartment for another transaction. The recipient is a customer retrieving the preordered package. Customer information is acquired before or during the transaction and, this information is then used to provide direct marketing to the customer before, during or after the transaction. The direct marketing is associated with the recipient's visit to the retail outlet to pick up the at least one package.

In particular, with information about, for example, the customer's purchase and/or personal information, direct marketing may be particularly effective since both customer information is available and it is known that the customer will be visiting a particular retail outlet to pick up the package. In that sense, the direct marketing relates to the recipient's visit to the retail outlet to pick up the at least one package.

The Tsukuda patent is directed to a delivery managing system that provides much of the hardware associated with the receptacle found in Applicant's claim 1. However, as the Examiner states, the Tsukuda patent does not explicitly show the outlet location to be a retail outlet or the recipient to receive direct marketing based on

acquired customer information. However, the Examiner indicates that the Chicago Sun Times article and the PaxZone.com Privacy of Customer Satisfaction Section disclose a method of package, storage and retrieval that includes providing within the retail outlet a means for retrieving, storing and delivering a package sent by a sender. Furthermore, the Examiner indicates that the PaxZone references teach that a recipient may receive direct marketing based on acquired customer information, and that it would be obvious to one skilled in the art that this marketing could occur at any time and could use a variety of marketing tools.

The Applicant respectfully disagrees. First of all, the Chicago Sun Times article succinctly states that company officials to recoup their initial investment are "offering participating retailers the ability to post a message about upcoming sales in the package delivery e-mails." This statement implies that, regardless of the customer and his or her interest, retailers have the opportunity to post a message about upcoming sales. There is neither a teaching nor a suggestion that such messages may or may not be customized for the particular characteristics of a customer and such messages could well be an announcement suitable for the public at large.

The text of the PaxZone.com Privacy of Customer Satisfaction Section indicates that "PaxZone may share your personally identifiable information with third parties for direct marketing purposes." First of all, this text is found in the Privacy of Customer Satisfaction Section of the PaxZone.com publication and, as a general statement, this statement is at least ambiguous. There is clearly neither a teaching nor a suggestion of associating a direct marketing effort with any particular activity of a customer and, on its face, such a statement appears to be entirely disassociated from

activities in which the customer may be engaged. For example, the method in accordance with the subject invention relates the direct marketing to the visits to the retail outlet by the customer to pick up a package. Such a visit provides a variety of opportunities, including providing marketing messages to the customer at the time of package pickup or providing in-store coupons at the time of package pick up.

Claim 1 has been amended to highlight that such direct marketing is made possible by the recipient's visit to the retail outlet to pick up the at least one package.

New claim 25 is directed to a similar arrangement, however, here the direct marketing is made possible by goods that the recipient may avail himself of at the time of the visit to the retail outlet to pick up the at least one package. New claim 26 is directed to a similar arrangement, however, here the direct marketing relates to goods that the recipient may avail himself of at the time of the visit to the retail outlet to pick up the at least one package. Such features are clearly neither taught nor suggested by the Tsukuda patent and, furthermore, are neither taught nor suggested in the Chicago Sun Times article or the PaxZone.com publication.

The Applicant would like to thank the Examiner and his supervisor for the personal interview conducted on March 26, 2003, in which agreement was reached with respect to the claims and that the Applicant will send in an Amendment to claim 1 to include further limitations regarding direct marketing. The subject Amendment is believed to have added such limitations to independent claim 1 and to new independent claims 25 and 26.

For these reasons, the Applicant does not believe that either claim 1, 25 or 26 are made obvious by the teaching of the Tsukuda patent, in view of the teaching of the

Chicago Sun Times article or, in view of the pax.Zone.com publication. Furthermore, by way of their dependence upon what is believed to be patentably distinct independent claim 1, dependent claims 2-11, 13-19 and 21-24 are themselves believed to be patentably distinct.

Reconsideration of the rejections and allowance of pending claims 1-11 and 13-19 and 21-26 are respectfully requested.

Respectfully submitted,

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**MARKED-UP VERSION OF CLAIMS 1, 13, 17 AND 19**

1. (Amended) A method of creating direct marketing opportunities by use of a package storage and retrieval system comprising the steps of:

- a) providing within a retail outlet a receptacle with a compartment capable of receiving, retaining and releasing at least one package deposited by a sender for pick-up by a recipient thereby beginning a transaction;
- b) providing to the sender access to the receptacle to deposit a pre-ordered package within the receptacle for a recipient; and
- c) providing to the recipient access to the receptacle to retrieve the package and thereby completing a transaction such that the compartment may be used for another transaction, wherein the recipient is a customer retrieving the pre-ordered package;
- d) acquiring customer information before or during the transaction; and
- e) using the acquired customer information to provide direct marketing to the customer before, during or after the transaction, wherein the direct marketing is made possible by the recipient's visit to the retail outlet to pick up the at least one package.

13. (Amended) The method according to claim 12 1 wherein the step of marketing is comprised of any from the group of providing marketing messages to the customer at the time of package pick-up and providing in-store coupons at the time of package pick-up.

17. (Amended) The method according to claim 14 1 further comprising the step of providing access to the sender after the transaction is completed to receive a returned package.

19. (Amended) The method according to claim 18 wherein the recipient is a customer retrieving a pre ordered package and the step of providing access to the recipient comprises extracting identification information from the recipient's credit card to confirm the recipient identity.